



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,528	11/21/2001	Dennis L. Montgomery	42503-273340 ETV-014(U)	3104
909	7590	11/04/2004	EXAMINER	
PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102			CATHEY II, PATRICK H	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/991,528	Applicant(s) MONTGOMERY, DENNIS L.	
	Examiner Patrick H. Cathey II	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) 10-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figure's 1 and 2A – 2D were drawn by hand.

Applicant is advised to employ the services of a competent patent drafts person outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim's 1-3, 5, 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Chida (US 5,930,405).

As for Claim's 1, 3, 5, 6 and 9, Chida teaches inputting a first image, or a reference image, at a first resolution by the image sensing means. Chida then inputs a second image at a second, and lower, resolution by the input sensing means. If there is a differing area between the first two images, then a third sensing means is inputted at a third, and higher, resolution by the sensing means

Art Unit: 2613

and then stores this information that has changes in the first two sensing means (Column 3, line 55 to Column 4, line 2; see also Figures 9-12). These Figures also show that the process is repeated for the frames that follow.

As for Claim 2, Chida teaches the predetermined number of previous frames comprising a window of time (Column 6, lines 11-16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim's 4, 7, 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chida in view of Freeman (US 5,396,284).

As for Claim 4, Chida fails to teach that the lower resolution from the second image is less than one half of the higher resolution of the third image, but Freeman does (Column 10, lines 48-66). Since the reason for this reduced resolution is to use less memory and Chida accomplishes this saving of memory with a slightly different method in the above rejection, it would have been obvious to one of ordinary skill to set the lower resolution to less than one half of the regular resolution when monitoring an area with low traffic.

As for Claim 7, Chida fails to teach redesignating as the reference frame the previous target frame and redesignating the new target frame with another

Art Unit: 2613

subsequent frame that follows the new reference frame, but Freeman does (Column 5, lines 30-53). Since redesignating the new reference frame with the previous target frame is to simplify the process of observation and use less memory, it would have been obvious to one of ordinary skill to reuse the previous target frame as the new reference frame.

As for Claim's 8 and 21, many of the limitations have been addressed with the above rejections. Chida fails to teach compressing the images for reducing the frame storage size for a first group of subsequent frames from a larger storage size to a smaller storage size when there is no movement, or the predetermined threshold has not been exceeded. Chida also fails to teach increasing the frame storage size for a second group of frames from a smaller storage size to a larger storage size when there is movement detected, or the predetermined threshold has been exceeded. Freeman teaches compressing various images from the image sensing device and being able to display these various images on a display screen at a compressed size (Column 3, lines 22-32). If there were movement detected in one of the various screens then a larger image would be able to be pulled up to take then entire screen while the movement is taking place. Since Freeman teaches compressing these images while there is no movement or the predetermined threshold has not been exceeded shows a method a saving storage size compared to a larger frame while Chida teaches a similar method of saving storage size with regular and reduced storage sizes, it would have been obvious to one of ordinary skill to

Art Unit: 2613

compress or reduce the size of the lower resolution image when there is no movement in order to save frame storage size.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The included references not used in the rejection of these claims are include because they teach the use of surveillance equipment that alters the image to a higher resolution when motion is detected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick H. Cathey II whose telephone number is (703) 305-4909. The examiner can normally be reached on M-F 7:30 to 5:00 (Every other friday off).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (703) 503-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2613

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick H. Cathey II
Examiner
Art Unit 2613

PHC


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600